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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,739	02/27/2004	Vernon E. Gleasman	RTOR	8413

38512 7590 04/28/2005

MORTON A. POLSTER
56 WINDSOR STREET
ROCHESTER, NY 14605

EXAMINER

KOCZO JR, MICHAEL

ART UNIT	PAPER NUMBER
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3746

DATE MAILED: 04/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO/ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO. ^{mk}
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EXAMINER

ART UNIT	PAPER
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20050421

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Michael Koczo, Jr.
Primary Examiner
Art Unit: 3746

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of the species of figure 8 in the reply filed on February 22, 2005 is acknowledged. The traversal is on the ground(s) that the species must be shown to be independent or distinct, and there must be a serious burden on the examiner if restriction is not required. This is not found persuasive because of the following reasons.

The species as disclosed are mutually exclusive since they are separately shown and not disclosed as being usable together. Where there is no disclosure of relationship between species, they are independent inventions, and it is not necessary to show a separate status in the art or separate classification (MPEP 808.01(a)).

It is additionally pointed out that, contrary to what applicant suggests, the examination burden is not limited exclusively to a prior art search but also includes the effort required to apply the art by making and discussing all appropriate grounds of rejection. Multiple inventions, such as those in the present application, normally require additional reference material and further discussion for each additional invention examined. Concurrent examination of multiple inventions would thus typically involve a significant burden even if all searches were coextensive.

Applicant argues that claims 17 and 18 are generic. This is deemed incorrect because claim 17 recites "a hold-down assembly for biasing each said sliding shoe toward said flat face of said wobbler". This is readable only on figure 9 which shows a hold-down assembly consisting of hold-down plate 354 and coil spring 350.

The requirement is still deemed proper and is therefore made FINAL.

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Claims 1 and 3 to 16 are allowed.

Claims 17 to 26 stand withdrawn from further consideration as being drawn to non-elected species.

This application is in condition for allowance except for the presence of claims 17 to 26 to an invention non-elected with traverse in the reply filed on February 22, 2005. Applicant is given ONE MONTH or THIRTY DAYS from the date of this letter, whichever is longer, to cancel the noted claims or take other appropriate action (37 CFR 1.144). Failure to take action during this period will be treated as authorization to cancel the noted claims by Examiner's Amendment and pass the case to issue. Extensions of time under 37 CFR 1.136(a) will not be permitted since this application will be passed to issue.

The prosecution of this case is closed except for consideration of the above matter.


Any inquiry relating to patent applications in general should be directed to the Patent Assistance Center at 1-800-786-9199.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Kocz, Jr. whose telephone number is 571-272-4830. The examiner can normally be reached on M-Th; 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl Tyler can be reached at 571-272-4834. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Michael Koczo, Jr.
Primary Examiner
Art Unit 3746